UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/51/67
14 February 1996
ENGLISH
ORIGINAL: SPANISH

Fifty-first session
Item 40 of the preliminary list*

THE SITUATION IN CENTRAL AMERICA: PROCEDURES FOR THE ESTABLISHMENT OF A FIRM AND LASTING PEACE AND PROGRESS IN FASHIONING A REGION OF PEACE, FREEDOM, DEMOCRACY AND DEVELOPMENT

Letter dated 19 January 1996 from the Permanent Representatives of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama to the United Nations addressed to the Secretary-General

We, the Permanent Representatives to the United Nations of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama and Belize have the honour to transmit herewith the following documents adopted by the Seventeenth Summit Meeting of the Central American Presidents, held at San Pedro Sula, Honduras, from 13 to 15 December 1995: San Pedro Sula Declaration (annex I); Framework Treaty on Democratic Security in Central America (annex II); Treaty on the Recovery and Return of Stolen, Appropriated or Illicitly Retained Vehicles (annex III); Agreement on an electrical interconnection system for Central America (annex IV).

We should be grateful if you would have this letter and its annexes distributed as a document of the General Assembly under item 40 of the preliminary list.

(Signed) Fernando BERROCAL
Ambassador
Permanent Representative
of Costa Rica

(Signed) Ricardo CASTANEDA C.
Ambassador
Permanent Representative
of El Salvador

* A/51/50.

96-03853 (E) 260396 280396 290396

/...

(Signed) Julio Armando MARTINI H.
Permanent Representative
of Guatemala

(Signed) Gerardo MARTÍNEZ BLANCO B.
Ambassador
Permanent Representative
of Honduras

(Signed) Erich VILCHEZ ASHER
Ambassador
Permanent Representative
of Nicaragua

(Signed) Jorge E. ILLUECA
Ambassador
Permanent Representative
of Panama

(Signed) Edward A. LAING
Ambassador
Permanent Representative
of Belize

Annex I

SAN PEDRO SULA DECLARATION

The Presidents of Costa Rica, El Salvador, Guatemala and Honduras, the Vice-President of Nicaragua and the First Vice-President of Panama, and the Ambassador of Belize for Central America, acting as an observer on behalf of the Prime Minister of Belize, have met from 13 to 15 December 1995 in the city of San Pedro Sula, Republic of Honduras, at our Seventeenth Meeting of Presidents, in order to launch the second stage of the Alliance for Sustainable Development (ALIDES), which entails the implementation of the priorities set at our meeting at Costa del Sol, El Salvador, and to strengthen compliance with previous mandates in relation to these priorities by establishing a plan of action for that purpose. In addition, we have met to devote special attention to a topic of regional interest, "the security of individuals and their property", which we consider to be an indispensable supplement in order to ensure the success of the Alliance for Sustainable Development.

In our capacity as the Central American Council for Sustainable Development, we have determined that the priorities we agreed on at Costa del Sol, complemented by those of this Seventeenth Meeting, will form the basis of the ALIDES plan of action for the next few years, depending on the nature of the work and our peoples' needs. The purpose of reordering priorities is to strengthen and continually update ALIDES.

A special effort must be devoted to obtaining fresh resources to complement regional resources to be used for the prompt implementation of the priorities that have been set. This involves determining, in a timely manner, what contributions we Central Americans are making and will continue to make during this second stage of ALIDES, in addition to what we will receive through international cooperation.

We have adopted the ALIDES Plan of Action, which is a separate document, together with a list of topics of regional interest on which there will be immediate follow-up.

Convinced that we are taking an important step in the consolidation of Central America as a region of peace, freedom, democracy and development, we have signed, at this meeting, the Framework Treaty on Democratic Security in Central America. This instrument reaffirms our unwavering commitment to democratic institutions and the rule of law. The sustainable development of Central America can be achieved only by consolidating a system of legal security that protects, safeguards and promotes the rights of the people of our countries.

With the same conviction, we have signed the Central American Treaty on the Recovery and Return of Stolen, Appropriated or Illicitly Retained Vehicles, an instrument that will streamline and accelerate the procedures for recovering motor vehicles in any country in the region and discourage this type of offence.

We reaffirm our satisfaction at the commemoration of the fiftieth anniversary of the United Nations, an organization whose existence has been essential for keeping the peace and stimulating growth in this half century. We also share the concerns expressed at this commemoration in favour of a more democratic United Nations, in terms of the composition of its organs, and of greater effectiveness in the fundamental tasks of peace-keeping and promoting the human development of all nations, in accordance with the new world situation.

As we sign this Declaration, we should like to convey to the President of the Republic of Guatemala, Ramiro de León Carpio, our heartfelt appreciation for his commitment to the strengthening of the rule of law and the quest for peace in our sister country. We also thank him for his work in favour of Central American integration, especially his leadership in the establishment and consolidation of the Alliance for Sustainable Development, of which he was the most important promoter. At the same time, we should like to express our satisfaction at the high level of community spirit shown by the people of Guatemala in that country's recent elections.

We express to the people and Government of Honduras and to the communities of San Pedro Sula and Copán Ruinas our deep gratitude for the hospitality they have shown us and for the support they have given us in our work. We also agree to hold the Eighteenth Meeting of Central American Presidents at Managua, Nicaragua, in the first half of 1996.

Lastly, we agree that this Declaration shall be called the "San Pedro Sula Declaration".

San Pedro Sula, Department of Cortés, Honduras, 15 December 1995.

(Signed) José María FIGUERES OLSEN
President of the Republic of
Costa Rica

(Signed) Armando CALDERÓN SOL
President of the Republic of
El Salvador

(Signed) Ramiro de LEÓN CARPIO
President of the Republic of
Guatemala

(Signed) Carlos Roberto REINA
President of the Republic of
Honduras

(Signed) Julia MENA RIVERA
Vice-President of the Republic of
of Nicaragua

(Signed) Tomás Gabriel ALTAMIRANO DUQUE
First Vice-President of the Republic
of Panama

Observer:

(Signed) Miguel Angel MENA
Ambassador of Belize

Annex II

FRAMEWORK TREATY ON DEMOCRATIC SECURITY IN CENTRAL AMERICA

The Governments of the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, hereinafter referred to as "the Parties",

WHEREAS

The fundamental objective of the Central American Integration System and of the Alliance for Sustainable Development is to bring about the integration of Central America in order to strengthen it as a region of peace, freedom, democracy and development;

One of the purposes of the Central American Integration System, as set forth in the Tegucigalpa Protocol, is to attain the sustainable development of Central America, which presupposes defining a new, unique, comprehensive and indivisible regional security model inspired by the region's achievements during its intensive process of pacification and integration;

The countries of Central America have reaffirmed their commitment to democracy on the basis of the rule of law and the guarantee of fundamental freedoms, economic freedom and social justice, and of support for a community of democratic values among States linked by ties of history, geography, brotherhood and cooperation;

The sustainable development of Central America can be achieved only by forming a regional legal community that protects, safeguards and promotes human rights and guarantees legal security, ensuring peaceful and integrative relations among the States of the region;

Situations which disturb the peace and affect the security of any of the Central American States also affect all the States of the region and their people;

The fact that their objectives coincide with regard to consolidating democracy is not incompatible with recognition of the specific features of each country of the region, including the special situation of those that have decided to eliminate their armies or maintain them permanently in accordance with their constitutions;

In recent years, as peace and democracy have been consolidated, the Central American countries have made significant advances in achieving these objectives, through demobilization and the reduction of military troops and budgets, the separation of police functions from those of national defence, the elimination of obligatory military service or, where appropriate, the adoption of a voluntary service, efforts and actions to intensify the struggle against impunity, terrorism and drug trafficking, and the growing professionalization of public security forces, among other aspects;

The Central American Democratic Security Model is based on the supremacy and strengthening of the power of civil society, a reasonable balance of forces, security of individuals and their property; the elimination of poverty and extreme poverty, the promotion of sustainable development; protection of the environment; and the eradication of violence, corruption, impunity, terrorism, and trafficking in drugs and arms. In addition, the Central American Democratic Security Model will increasingly channel its resources into social investment;

In order to achieve the objectives and observe the principles set forth above, it is essential to continue the present efforts and to adopt a framework legal instrument that will allow for the full development of all the aspects of the new Democratic Security Model which will confirm the validity of the progress made;

agree to sign this Treaty on Democratic Security in Central America, as an instrument supplementary to the Tegucigalpa Protocol.

TITLE I

RULE OF LAW

Article 1. The Central American Democratic Security Model is based on democracy and the strengthening of its institutions and the rule of law; on the existence of Governments elected by universal and free suffrage, with secret ballot, and of unconditional respect for all human rights in the States comprising the Central American region.

The fundamental purpose of the Central American Democratic Security Model is to ensure respect for and the promotion and safeguard of all human rights, and its provisions therefore guarantee the security of the Central American States and their people through the creation of conditions that allow for their personal, family and social development in peace, freedom and democracy. The model is based on the strengthening of the power of civil society, political pluralism, economic freedom, the elimination of poverty and extreme poverty, the promotion of sustainable development and the protection of the consumer and of the environment and cultural heritage; the eradication of violence, corruption, impunity, terrorism, and trafficking in drugs and arms; and the establishment of a reasonable balance of forces that takes into account the internal conditions of each State and the need for cooperation among all the Central American countries so as to ensure their security.

Article 2. The Central American Democratic Security Model shall be governed by the following principles in relation to this Title:

(a) The State ruled by law, which includes the supremacy of the rule of law, the existence of legal security and the effective exercise of civil liberties;

(b) The strengthening and constant improvement of democratic institutions in each of the States, in order to reinforce each institution within its own sphere of action and responsibility through a continued, sustained process of

consolidation and strengthening of the power of civil society, restriction of the role of the armed and public security forces to their constitutional areas of competence, and promotion of a culture of peace, dialogue, understanding and tolerance based on shared democratic values;

(c) The principle of subordination of the armed forces, police and public security forces to the constitutionally established civilian authorities, chosen in free, honest and pluralistic elections; and

(d) The maintenance of a flexible and active dialogue and mutual cooperation on security in all its aspects in order to guarantee the irreversible character of democracy in the region.

Article 3. To ensure the security of the individual, the Parties agree that any action by the public authorities shall be taken within a framework of the respective legal system and in full respect for international human rights instruments.

Article 4. Each of the Parties shall establish and maintain at all times effective control over its military or public security forces by the constitutionally established civilian authorities; it shall ensure that these authorities fulfil their responsibilities in this framework; and it shall clearly define the doctrine, missions and functions of these forces and their obligation to act only in that context.

Article 5. Corruption, whether public or private, is a threat to democracy and the security of the people and States of the Central American region. The Parties undertake to make every effort to eradicate it at all levels and in all its forms.

In that context, the meeting of the State authorities of each of the Parties shall provide advisory assistance to the Security Commission in the design, establishment and implementation of regional programmes and projects for the modernization and harmonization of legislation, investigation, education and the prevention of corruption.

Article 6. The Parties shall make every effort to eradicate impunity. The Security Commission shall establish contacts with the relevant institutions and authorities in order to help elaborate programmes designed to harmonize and modernize the Central American criminal justice systems.

Article 7. The Parties recognize how important it is for their public authorities and military and public security forces to be guided in their actions by the principles and recommendations contained in the following United Nations General Assembly resolutions:

(a) 40/34 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;

(b) 43/173 Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;

(c) 45/113 United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(d) 3452 (XXX) Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(e) 34/169 Code of Conduct for Law Enforcement Officials;

together with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

Article 8. For the strengthening of democracy, the Parties reaffirm their obligation to abstain from providing political, military, financial or any other kind of support to individuals, groups, irregular forces or armed gangs which attack the unity and order of the State or advocate the overthrow or destabilization of the democratically elected Government of another Party.

In addition, they reiterate their obligation to prevent the use of their territory to organize or carry out armed actions, acts of sabotage, kidnappings or unlawful activities in the territory of another State.

Article 9. The Parties recognize the importance of the Treaty on Mutual Legal Assistance in Criminal Matters, signed at Guatemala City, Republic of Guatemala, on 29 October 1993 and the special nature of the constitutional provisions and treaties and conventions which confirm the right to asylum and refuge.

TITLE II

SECURITY OF INDIVIDUALS AND THEIR PROPERTY

Article 10. The Central American Democratic Security Model shall be governed by the following principles in matters relating to this Title:

(a) Democratic security comprises an indivisible whole. A solution to the problems of personal security in the region will thus require a comprehensive and interrelated view of all aspects of sustainable development in Central America in its political, economic, social, cultural and ecological dimensions;

(b) Democratic security is inseparable from the human dimension. Respect for the essential dignity of individuals, improvement of their quality of life and full development of their potential are prerequisites for security in all its aspects;

(c) Humanitarian aid provided in solidarity in response to emergencies, threats and natural disasters; and,

(d) Consideration of poverty and extreme poverty as threats to the security of the people and the democratic stability of Central American societies.

Article 11. With the aim of contributing to the consolidation of Central America as a region of peace, freedom, democracy and development, the following objectives are established in this regard:

(a) To guarantee all the people of the region security conditions enabling them to participate in and benefit from national and regional sustainable development strategies through the promotion of a market economy allowing for economic growth with equity;

(b) To establish or strengthen operational coordination machinery for the competent institutions so as to increase the effectiveness of national and regional efforts to combat crime and all threats to democratic security necessitating the use of military, security or civilian police forces, such as terrorism, illicit arms trafficking, drug trafficking and organized crime;

(c) To strengthen cooperation, coordination, harmonization and convergence of policies to promote the security of individuals, as well as border cooperation and the deepening of the social and cultural links between the peoples of Central America; and,

(d) To promote cooperation between States to guarantee legal security in respect of individual property.

Article 12. The General Secretariat of the Central American Integration System shall be responsible for the organization and management of a Central American Security Index, and shall periodically report thereon to the respective Governments through the Central American Security Commission.

Article 13. The Parties undertake:

(a) To contribute to the regional promotion of all human rights and of a culture of peace, democracy and integration among all the people of Central America;

(b) To encourage a contribution by the mass media of the Parties to the aims provided for in the previous paragraph; and

(c) To encourage border development integration projects, in a spirit of Central American solidarity and democratic participation by its people.

Article 14. The Parties undertake to promote the professionalization and ongoing modernization of their public security forces with the aim of maximizing the scope and effectiveness of crime control and the protection of the rights enshrined in the internal legislation of each country.

They also undertake to launch the Central American Institute for Advanced Police Studies.

Article 15. The Parties recognize that poverty and extreme poverty undermine human dignity and represent a threat to the security of the people and the democratic stability of Central American societies, and accordingly undertake to

give priority to initiatives to overcome the structural causes of poverty and to improve the quality of life of their peoples.

Article 16. The formulation of national budgets, in accordance with the circumstances of each country, shall be geared towards the social sector in health, education and other areas which contribute to improvements in the quality of life of the individual as well as of the most vulnerable segments of society.

Article 17. The Parties shall promote cooperation for the eradication of drug trafficking and illegal trafficking in precursors and related offences, in accordance with any relevant international, regional and subregional agreements to which they are parties or to which they might accede, in particular the Agreement establishing the Permanent Central American Commission for the Eradication of the Illicit Production, Traffic, Consumption and Use of Drugs and Psychotropic Substances. To this end they shall establish flexible and effective mechanisms for communication and cooperation among the competent authorities.

Article 18. The Parties undertake to prevent and combat all criminal activities having a regional or international impact, without exception, such as terrorism, sabotage and organized crime, and to prevent by all means within their territory the planning, preparation and execution of such activities.

To this end they shall strengthen cooperation and encourage the exchange of information among immigration and police agencies and other competent authorities.

Article 19. The Parties shall endeavour to initiate, if they have not already done so, the necessary formalities for approving, ratifying or acceding to the following international conventions:

(a) The 1963 Convention for the Suppression of Unlawful Seizure of Aircraft;

(b) The 1971 Convention to prevent and punish acts of terrorism taking the form of crimes against persons and related extortion that are of international significance;

(c) The 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;

(d) The 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents; and

(e) The 1979 International Convention against the Taking of Hostages.

Article 20. The Parties undertake to take measures to combat activities by organized gangs engaged in internationally significant trafficking in persons in the region with the aim of finding comprehensive solutions to this problem.

Article 21. The Parties undertake to make all necessary efforts and to promote cooperation to guarantee protection of the consumer, the environment and the Central American cultural heritage, in accordance with any relevant international and regional agreements to which they are parties or to which they might accede, in particular the Agreement establishing the Central American Commission on Environment and Development. To this end they shall establish flexible and effective mechanisms for communication and cooperation in that regard among the competent authorities.

Article 22. The Parties recognize that effective cooperation in these areas requires them to initiate, if they have not already done so, the necessary formalities for approving, ratifying or acceding to international and regional conventions on the protection of the environment and cultural heritage.

Article 23. The Parties reaffirm their desire to reintegrate their refugee, displaced and uprooted populations returning voluntarily and peacefully to their respective territories so that they may have equal opportunities to enjoy all their rights and improve their quality of life, taking into account the internal situation of each State.

Article 24. The Parties undertake to adopt joint positions and strategies for the self-defence of their respective compatriots abroad in response to measures aimed at the repatriation or expulsion of their emigrant compatriots.

Article 25. The Security Commission, on the basis of proposals from competent regional organs and in coordination with them, shall formulate and submit recommendations to the respective sectoral and intersectoral councils on the following matters, inter alia:

(a) Strengthening of internal controls at their respective borders, ports and airports and in their airspace and territorial seas to allow detection of illegal trafficking in cultural property and facilitate its recovery, and to detect illicit trafficking in wood and species of flora and fauna; trafficking in and handling of toxic waste and hazardous substances; drug trafficking and related offences, in particular illegal trafficking in precursors and the laundering of money and other assets; and hijacking of vehicles, ships and aircraft, without prejudice to regional machinery for the prevention and punishment of such offences;

(b) Establishment of criminal acts and harmonization and modernization of legislation on protection of the consumer, the environment and cultural heritage and other areas requiring such protection, with a view to attaining common security standards;

(c) Conclusion of agreements on matters covered by this Title; and,

(d) Promotion of cooperation and coordination between the courts and prosecuting authorities of the Parties, with a view to streamlining their activities in order to strengthen crime control.

TITLE III

REGIONAL SECURITY

Article 26. The Central American Democratic Security Model shall be governed by the following principles, in matters relating to this title:

(a) Sovereign equality among States and legal security in their relations;

(b) The peaceful settlement of disputes, renouncing the threat or use of force as a means of resolving their differences. States shall refrain from any action which might aggravate conflicts or hinder the settlement of disputes by peaceful means;

(c) Renunciation of the threat or use of force against the sovereignty, territorial integrity and political independence of any State of the region which is a signatory of this Treaty;

(d) Self-determination of Central America, whereby the signatory States of this Treaty shall define their own regional strategy for sustainable development and international cooperation;

(e) Solidarity and security of the Central American peoples and Governments in the joint prevention and solution of common problems in this regard;

(f) Prohibition of the use of a territory to carry out attacks against other States, as a refuge for irregular forces or for the establishment of organized crime;

(g) The democratic security of each of the signatory States of this Treaty is closely linked with regional security. Therefore, no State shall strengthen its own security to the detriment of the security of the others;

(h) Collective and united defence, in accordance with the respective constitutional norms and the international treaties in force, in the event of armed aggression by a State situated outside the region against the territorial integrity, sovereignty and independence of a Central American State;

(i) National unity and territorial integrity of States, within the framework of Central American integration; and

(j) Respect for the purposes and principles of the Charter of the United Nations and the Charter of the Organization of American States (OAS).

Article 27. Additional objectives of the Model in this regard are:

(a) To establish an early warning preventive mechanism in relation to threats to any category of security and a permanent programme of confidence-building measures among the States of the Central American region;

(b) To continue efforts to establish a reasonable balance of military and public security forces in accordance with the internal and external situation of each State Party, the conditions in Central America and decisions taken by the civilian authorities of the democratically elected Governments of the Parties;

(c) To establish a Central American Security Information and Communications Mechanism;

(d) To establish or strengthen the Central American mechanisms for the peaceful settlement of disputes in accordance with the provisions of this Treaty;

(e) To coordinate the different types of cooperation, at the regional level, with international efforts to maintain and restore international peace and security; and

(f) To promote the legal security of the borders of the signatory States of this Treaty through delimitations, demarcations and the solution of pending territorial disputes, as appropriate, and to ensure the joint defence of the territorial, cultural and ecological heritage of Central America, in accordance with the mechanisms of international law.

Article 28. Without prejudice to the annual programme of confidence-building activities to be prepared and implemented by the Security Commission, the Parties, in accordance with the treaties to which they are parties, undertake to do the following:

(a) To notify the other Parties in writing, through the diplomatic channel, at least 30 days in advance, of any planned military, land, air or naval manoeuvre, movement or exercise organized under the conditions determined by the Security Commission as regards, inter alia, number of persons involved, location in relation to the border, nature and amount of equipment to be used; and

(b) To invite the other Parties to observe the activities referred to above. The Parties shall accord these observers the same immunity from civil and criminal jurisdiction as is granted to diplomatic agents under the Vienna Convention on Diplomatic Relations for the duration of their mission and for actions carried out in the performance of their functions.

Article 29. In the case of unforseen military operations in response to immediate threats to security, the State carrying out such operations must give notification of such activities as soon as possible under the conditions laid down in the preceding article.

Article 30. The Parties undertake to combat the illegal traffic of arms, military supplies and equipment and of small arms for personal protection. To that end they also undertake to establish specific, modern and harmonized regulations, within the framework of their national legal systems.

Article 31. When a situation of illegal arms trafficking cannot be resolved within the framework of national legal procedures, the State or States involved

shall endeavour to resolve the problem through communications and cooperation between their competent authorities.

Article 32. The Parties undertake to continue their efforts for arms limitation and control through a reasonable balance of forces corresponding to the internal and external situation of each State.

Article 33. The reasonable balance and corresponding adjustment of military forces and budgets shall take into account the provisions of the Constitution of each of the Parties and its defence needs, on the basis of such factors as the relevant geographical and border conditions and the presence of foreign military advisers or forces, among others.

Article 34. The Parties undertake to refrain from acquiring or maintaining weapons of mass and indiscriminate destruction, including chemical, radiological and bacteriological weapons, and not to permit the deployment in or transit through their territories of such weapons. The Parties also undertake not to build or allow the construction in their respective territories of installations which might be used to manufacture or store this type of weapon.

The Parties recognize the validity of the Treaty concerning the Permanent Neutrality and Operation of the Panama Canal, as States which have acceded to the Protocol of the Treaty, which guarantees at all times the peaceful and uninterrupted transit of vessels of all nations through the Panama Canal.

Article 35. The Parties, in order to have effective control over weapons, undertake to do the following:

(a) To present, within the Security Commission, at the intervals determined by the Council of Ministers for Foreign Affairs, a report on the composition of their armed and public security institutions and their organization, facilities, weapons, supplies and equipment, excluding those aspects which by their nature are reserved under the Constitution of each State;

The report, which shall be a classified State and regional document, shall be drawn up in accordance with the format and contents determined by the Security Commission and shall include all naval, air, land and public security data needed for the information provided to be complete, transparent and verifiable, solely and exclusively by the organs of the model established in article 47 of this Treaty or by those designated by them;

(b) To provide information, within the Security Commission, on the respective military and public security expenditures approved in their budgets for the current fiscal year, taking as a reference the "Instrument for standardized international reporting of military expenditures" adopted by the United Nations on 12 December 1990, under the provisions of article 52 (k) of this Treaty; and,

(c) To organize a Central American system for the registration and transfer of weapons, in accordance with the proposal to be made by the Security Commission.

Article 36. In respect of all the information provided under the provisions of the preceding article, each Party, within the Security Commission, may request from any other Party such clarifications as it may deem necessary within 60 days subsequent to the provision of the information. The Parties undertake to make the necessary clarifications within 60 days following the date of the request for clarification.

Article 37. The Security Commission shall maintain a standardized register of weapons, explosives and equipment which are for the exclusive use of the armed or public security forces; this register must be updated with information which the Parties undertake to provide regularly.

Article 38. In the first half of each year, within the Security Commission, the Parties undertake to submit, on a reciprocal basis and in accordance with the treaties to which they are parties, a report on foreign military advisers and personnel and other outside elements participating in military or public security activities in their territory. They shall also keep a register of advisers who carry out technical functions related to training or to the installation and maintenance of military equipment, a copy of which shall be provided to the Security Commission.

The register shall be maintained in accordance with the regulations determined by the Security Commission, which may also set reasonable limits on the number of advisers of all categories and in all areas of military and public security expertise, taking into account the internal realities and needs of each Party.

Article 39. Should an incident of a military nature occur between two or more of the Parties, the Ministers for Foreign Affairs shall establish contact with each other immediately to analyse the situation, to avoid an increase in tension, to stop any military activity and to prevent further incidents.

Article 40. In the event that the direct channels of communication are not sufficient to achieve the objectives described in the preceding article, any of the Parties may request the convening of a meeting of the Security Commission or of the Council of Ministers for Foreign Affairs, should it deem it necessary. In such case, the presidency of the Council of Ministers shall hold the necessary consultations with the member States and may first convene the Security Commission to obtain its recommendations.

Article 41. The Meeting of Presidents, the Council of Ministers for Foreign Affairs and the Security Commission shall adopt their decisions by consensus on all issues relating to the peace and security of the region.

Article 42. Any armed aggression or threat of armed aggression by a State situated outside the region against the territorial integrity, sovereignty or independence of a Central American State shall be regarded as an act of aggression against the other Central American States.

In such case the Central American countries, at the request of the State which has been attacked, shall act jointly and in solidarity in international

forums and bodies to ensure the legal and political defence, through the diplomatic channel, of the Central American State which has been attacked.

Article 43. In the event of armed aggression, after exhausting the possibilities of the forums for conciliation and the peaceful settlement of disputes, if possible, the Central American countries, at the request of the State which has been attacked, shall ensure the early restoration of peace and collective and united defence against the aggressor through measures and procedures agreed upon in the Council of Ministers for Foreign Affairs in accordance with the respective constitutional provisions, the Charter of the United Nations, the Charter of the Organization of American States and the treaties in force to which they are parties.

The Council of Ministers shall establish an ad hoc operational organization responsible for planning and coordinating the fulfilment of the commitments set forth in this article, and for operational support for united cooperation in response to emergencies, threats and disasters.

Article 44. In the event of any external armed conflict and in order to preserve the guarantees and rights of the population, the Parties undertake to implement fully the norms and principles of international humanitarian law.

Article 45. Without prejudice to the provisions of the Charter of the United Nations and of the Charter of the Organization of American States concerning the peaceful settlement of disputes, the Parties reaffirm their obligation to resolve, through negotiation, investigation, mediation, conciliation, arbitration, judicial settlement or any other peaceful means of settling disputes, any difference that could endanger the peace and security of the region.

Article 46. The Parties reaffirm their obligations under the Tlatelolco Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean of 14 February 1967 and the importance of initiating, if they have not already done so, the necessary formalities for approving, ratifying or acceding to the following international conventions:

(a) The 1925 Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare;

(b) The 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

TITLE IV

ORGANIZATION AND INSTITUTIONALIZATION

Article 47. The following organs shall comprise the Central American Democratic Security Model:

(a) The Meeting of Presidents;

(b) The Council of Ministers for Foreign Affairs; and

(c) The Security Commission.

The sectoral and intersectoral Councils shall establish the necessary coordination with the Council of Ministers for Foreign Affairs and shall inform it of all their agreements and resolutions on security matters.

In that context, the Ministers of Defence and Security or their equivalents shall advise and assist the Council of Ministers for Foreign Affairs in matters relating to its work in the areas in which they are competent.

The Consultative Committee established under the Tegucigalpa Protocol may express its views to the Security Commission, through the General Secretariat of the Central American Integration System, on matters provided for in this Treaty concerning the security of individuals and their property.

Article 48. The Meeting of Presidents shall be the supreme organ of this Model and shall be seized of regional questions on which it is required to take decisions with regard to regional and international security under the provisions of the Tegucigalpa Protocol.

Article 49. The Council of Ministers for Foreign Affairs shall be the competent organ in all matters relating to regional and international security, in its position as the main coordinating body of the Central American Integration System.

Article 50. The Security Commission shall be a subsidiary organ responsible for implementation, coordination, evaluation and follow-up and the elaboration of proposals, and for making recommendations concerning early warning and, where appropriate, prompt action, and shall be subordinate to the Meeting of Presidents and to the Council of Ministers for Foreign Affairs.

Article 51. The Security Commission shall be composed of delegations from the Central American States, the members of which shall be the Deputy Ministers for Foreign Affairs and Deputy Ministers or competent authorities in the defence and public security sectors. The Deputy Ministers for Foreign Affairs shall preside over the delegations from each State.

Article 52. The Security Commission shall have the following responsibilities or functions:

(a) In matters of security, to carry out the decisions entrusted to it by the Meeting of Presidents or by the Council of Ministers for Foreign Affairs and any decisions which it may take within its own areas of competence;

(b) To assess compliance with Central American agreements on security matters;

(c) To consider the existing security problems in the region which require concerted action and to elaborate proposals to deal with them effectively. Such studies and recommendations shall be submitted to the Council of Ministers for Foreign Affairs for approval;

(d) To establish the necessary communication and coordination, through the General Secretariat of the Central American Integration System, with the organizations, institutions and secretariats of the regional integration subsystems whose cooperation is deemed necessary in order to deal with security problems in a comprehensive manner;

(e) To strengthen the coordination mechanisms operating in the areas of defence, public security and humanitarian cooperation in response to emergencies, threats and natural disasters;

(f) To elaborate proposals, which shall be previously submitted to the Council of Ministers for Foreign Affairs for approval, for coordination and regional support in conjunction with international organizations and bodies devoted to the maintenance of international peace and security and efforts to counter threats to the security of individuals and their property;

(g) To organize the Central American Security Information and Communications Mechanism;

(h) To elaborate a standing annual programme of confidence-building activities which involves the participation of the armed and public security forces of the region together with the civil society of Central America;

(i) To elaborate a regime of periodic reports and a system for registering weapons and the transfer of weapons, ensuring that the information provided is complete, transparent and easily verifiable, and to put forward proposals for the gradual establishment of a reasonable balance of forces in the region;

(j) To consider the information provided by the Parties on foreign military advisers and personnel and other outside elements participating in military or public security activities in their territory, in accordance with the provisions of article 38 of this Treaty;

(k) To consider the information provided by the Governments on their respective military and security budgets for the current fiscal year and to elaborate joint proposals for the possible adaptation of future budgets, taking into account the internal situation of each State;

(l) To establish contact with Central American organizations composed of other State authorities or organs, in order to reach agreement on programmes for

harmonization and legislative modernization in this context and training programmes for judicial and police officials;

(m) To elaborate its internal rules of procedure, which it shall submit to the Executive Committee of the Central American Integration System;

(n) To provide all necessary measures of protection to ensure the security and confidentiality of the information received by the various Central American States; and

(o) To ensure compliance with the provisions of this Treaty and to perform the other functions assigned to it therein.

Article 53. In order to fulfil its functions more effectively, the Security Commission may organize its work in sectoral subcommissions dealing with defence, public security, legal or intersectoral matters.

Article 54. The General Secretariat of the Central American Integration System shall provide technical and administrative secretariat services for the meetings of the Security Commission and its subcommissions.

Article 55. The Security Commission shall meet ordinarily at such intervals as may be established by its members, and extraordinarily pursuant to a decision taken by the Meeting of Presidents or of the Council of Ministers for Foreign Affairs or at the request of one or more of its members to consider any urgent matters. The required quorum for meetings shall be the presence of all members of the Commission.

Article 56. In the event of failure to achieve consensus on the adoption of a decision, the presidency of the Security Commission shall be authorized to bring the matter to the attention of the Council of Ministers for Foreign Affairs for it to be resolved.

Article 57. The Council of Ministers for Foreign Affairs, in its capacity as the main coordinating body of the Central American Integration System, shall be responsible for adopting or recommending to the Meeting of Presidents appropriate measures of prevention, crisis-management or conflict and dispute settlement to deal with situations of any kind which, in the view of the Governments or of the competent organs of the Central American Integration System, represent a potential threat to the security of the States and their people.

Article 58. Governments, through their respective Ministries of Foreign Affairs, shall submit to the Security Commission for review the situations referred to in the preceding article. They may also refer the matter directly to the Council of Ministers for Foreign Affairs.

The organs, institutions and secretariats of the Central American Integration System, through its General Secretariat, may bring to the attention of the Council of Ministers for Foreign Affairs any of the situations referred to in the preceding article.

Article 59. Without prejudice to the annual programme of confidence-building activities, which shall be prepared and executed by the Security Commission, the Parties undertake:

(a) To establish and strengthen mechanisms for direct and rapid communication between border authorities; and

(b) To promote the exchange of military and public security experiences and information, consultations and periodic visits among officials of defence, public security and other such institutions, as well as the reciprocal award of fellowships for study in their respective military and police academies.

Article 60. The Central American Security Information and Communications Mechanism shall comprise:

(a) The Central American Security Index, organized and administered by the General Secretariat of the Central American Integration System with the support of Central American integration secretariats and institutions and other relevant international organizations; and

(b) The permanent communications mechanism which the Parties undertake to establish and put into operation in order to facilitate secure, efficient and rapid communications among the respective competent civilian, military and public security authorities and between them and the Security Commission, with a view to preventing incidents, responding to alerts and contributing to the fulfilment of the objectives and obligations set forth in this Treaty.

Article 61. The Council of Ministers for Foreign Affairs shall ensure the application of the provisions of this Treaty and compliance with the obligations set forth therein.

To these ends, the Security Commission shall report to the Council of Ministers for Foreign Affairs, in particular on the following:

(a) Performance by the Parties of the material acts provided for in this Treaty, such as the timely submission of required reports;

(b) Compliance by the Parties with the weapons ceilings established by them, taking into account the internal and external situation of each of the Parties and the prevailing conditions in the region;

(c) Fulfilment by the Parties of the obligation not to introduce weapons that are prohibited under article 34 of this Treaty or which may be prohibited in future;

(d) Fulfilment by the Parties of their obligations to give notice of military activities or manoeuvres, as well as to give such other notice as required under this Treaty; and

(e) The result of the investigations which, at its own initiative or at the request of the Council of Ministers for Foreign Affairs, it undertakes with

respect to complaints of non-compliance with the obligations set forth in this Treaty.

Article 62. Investigations shall be conducted by the Security Commission or by an ad hoc group of experts appointed and deemed best qualified for that purpose. Investigations shall take the form of on-site inspections, data compilation, technical laboratory tests and any other procedure deemed necessary for the objective verification of the facts.

Article 63. The Council of Ministers for Foreign Affairs shall be the organ responsible for coordinating the efforts of the region as a whole with the initiatives taken to counter threats to democratic security on the continent and in other parts of the world, and, in this sense, shall be the organ responsible for preparing positions and concluding cooperation accords or agreements with institutions and bodies responsible for the maintenance of international peace and security, independently of the previously established international commitments of each State Party.

TITLE V

FINAL PROVISIONS

Article 64. The Central American Democratic Security Model shall be part of the Central American Integration System, and its content shall complement the provisions of the Tegucigalpa Protocol, to which this Treaty is subordinate.

Article 65. The Council of Ministers for Foreign Affairs shall notify the United Nations and the Organization of American States of all arrangements or decisions relating to regional peace and security, knowledge of which is considered relevant to the organs responsible for hemispheric and global security.

Article 66. No provision of this Treaty may be interpreted in a manner contrary to the provisions of the Charter of the United Nations, the Charter of the Organization of American States or the Tegucigalpa Protocol.

Article 67. Any dispute arising from the implementation or interpretation of this Treaty shall be brought to the attention of the Meeting of Presidents and, if no solution is found, recourse shall be had to the means of peaceful settlement of disputes provided for in article 45, and, where appropriate, the dispute shall be brought before the Central American Court of Justice.

Article 68. Reservations to this Treaty shall be permitted.

Article 69. This Treaty shall be ratified by each signatory State, in accordance with its respective constitutional provisions. This Treaty and the instruments of ratification shall be deposited with the General Secretariat of the Central American Integration System.

Article 70. This Treaty shall be of indefinite duration and shall enter into force with respect to the first three depositing States one week after the third

instrument of ratification has been deposited and, with respect to the other States, on the date of deposit of their respective instruments of ratification.

Article 71. Five years after the entry into force of this Treaty, and prior or subsequent to that date, at the request of two States Parties, the Security Commission shall convene a meeting of all the Parties for the purpose of evaluating and agreeing on such amendments as may be deemed necessary. The said amendments shall be submitted to the Meeting of Presidents, through the Council of Ministers for Foreign Affairs for consideration.

Article 72. Denunciations of this Treaty shall be communicated to the depositary, which shall notify the Parties of such denunciations. The said denunciations shall take effect one year after notice is given; however, the provisions of this Treaty shall continue to apply to ongoing regional projects and activities until their completion. This Treaty shall remain in force for as long as at least three States Parties remain bound by it.

Article 73. The provisions of this Treaty shall be interpreted and applied in accordance with its letter and spirit and in the light of the Tegucigalpa Protocol and the norms of international law.

Article 74. Upon the entry into force of this Treaty, the General Secretariat of the Central American Integration System shall transmit a certified copy of the Treaty to the Secretariat of the United Nations, for the purposes of Article 102, paragraph 2, of the Charter of that Organization, and to the Secretariat of the Organization of American States.

TITLE VI

SPECIAL PROVISION

Article 75. The Republics of Costa Rica and Panama sign this Treaty with express reservations to the following articles: 26 (g) and (h); 27 (a), (b) and (c); 28; 29; 32; 33; 35; 36; 37; 38; 42 and 43.

TITLE VII

TEMPORARY PROVISIONS

Article 76. Pending the entry into force of this Treaty, the Security Commission shall continue to function in accordance with the mandates received from the Meeting of Presidents and from the Council of Ministers for Foreign Affairs and shall respect the purpose of this Treaty.

Article 77. The Parties shall strengthen their efforts to obtain technical and financial cooperation that will contribute to the elimination of the existence of mine fields in the region, in accordance with international, regional and subregional agreements to which they are party or any which may be signed in this regard.

Article 78. This Treaty shall replace all the rules relating to security or defence which are contained in and form part of the Charter of the Organization of Central American States (OCAS) and the supplementary agreements which have been adopted at the regional level to further develop it.

IN WITNESS WHEREOF, the following have signed this Treaty in seven original and identical copies in the city of San Pedro Sula, Department of Cortés, Republic of Honduras, on 15 March 1995.

[Signed]

José María FIGUERES OLSEN
President of the Republic
of Costa Rica

[Signed]

Ramiro de LEÓN CARPIO
President of the Republic
of Guatemala

[Signed]

Julia MENA RIVERA
Vice-President of the Republic
of Nicaragua

[Signed]

Armando CALDERÓN SOL
President of the Republic of
El Salvador

[Signed]

Carlos Roberto REINA
President of the Republic
of Honduras

[Signed]

Tomás Gabriel ALTAMIRANO DUQUE
First Vice-President of the
Republic of Panama

Annex III

CENTRAL AMERICAN TREATY ON THE RECOVERY AND RETURN OF STOLEN, APPROPRIATED OR ILLICITLY RETAINED VEHICLES

The Governments of the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, hereinafter referred to as "the Parties",

Concerned at the commission of the crimes of theft, appropriation or illicit retention of vehicles,

Desiring to strengthen and facilitate close cooperation in order to trace, recover and return vehicles,

Aware of the difficulties encountered by the legitimate owners of such vehicles in their efforts to recover them in the territory of one of the Parties,

Convinced that norms can be applied to ensure the speedy recovery and return of vehicles, which would eliminate such difficulties,

Recognizing the seriousness and the increased frequency in recent years of the aforementioned acts, which affect the region,

Have agreed as follows:

Article I

For the purposes of this Treaty:

(a) "Vehicle" shall mean any automobile, lorry, bus, motorcycle, mobile home, caravan or any other mechanized means of land transport;

(b) A vehicle shall be deemed to be stolen, appropriated or illicitly retained when it has been possessed or retained for use without the consent of the owner, legal representative or other legally authorized person, in accordance with the domestic penal legislation of each State Party;

(c) "Impoundment" shall mean any act by which a competent authority or a court, in the exercise of its functions, takes possession or custody of a vehicle in accordance with the law;

(d) "Days" shall mean working days;

(e) "Requesting State" shall mean the State requesting the return of the vehicle;

(f) "Requested State" shall mean the State that is requested to return the vehicle.

Article II

In conformity with the provisions of this Treaty, the Parties undertake to ensure the speedy return of vehicles that have been stolen, appropriated or illicitly retained in the territory of one Party and recovered in the territory of another Party.

Article III

1. The Parties shall designate a Central Authority to deal with requests for return.

For the Republic of El Salvador, the Central Authority shall be the Ministry of Public Security;

For the Republic of Costa Rica, the Central Authority shall be the Ministry of Public Security;

For the Republic of Guatemala, the Central Authority shall be the Ministry of the Interior;

For the Republic of Honduras, the Central Authority shall be the Public Security Force, pending the establishment of the National Civil Police;

For the Republic of Nicaragua, the Central Authority shall be the Ministry of the Interior;

For the Republic of Panama, the Central Authority shall be the Office of the Attorney General of the Nation.

2. Any change in the designation of the Central Authority shall be communicated to the General Secretariat of the Central American Integration System, which shall transmit this information to the other States Parties.

3. In order to fulfil the objectives of this Treaty, the Central Authorities of the Parties shall hold periodic meetings by mutual agreement.

Article IV

For the more effective implementation of this Treaty, the Parties shall endeavour:

1. To establish or, as the case may be, strengthen, as soon as possible, a Search and Recovery Unit for Stolen, Appropriated or Illicitly Retained Vehicles, which shall have its own database and shall work together with the Central Authority or be part of it; the Unit shall also be responsible for exchanging information with the other Central Authorities, which shall jointly establish communication mechanism.

2. To establish or, as the case may be, strengthen, as soon as possible, their unified register of vehicles with a view to coordinating such registers at the regional level.

Article V

1. When the police or customs authorities, or any other competent authority, of one Party impound a vehicle defined in article I (b) of this Treaty, in the territory of another Party, the vehicle shall be consigned to the designated authority, which shall without delay order that the vehicle be stored and kept in the best possible manner, in accordance with the domestic legislation of each country.

2. The authority that consigns the vehicle shall, within three days following the impoundment of the vehicle, communicate this fact to the Central Authority of its country attaching a copy of the official letter authorizing the consignment.

Article VI

1. The Central Authority of the country in which the vehicle was impounded, within eight days after receiving notice of the vehicle's impoundment, carried out in conformity with the preceding article, shall notify the Central Authority of the other Parties that the vehicle is in the custody of its authorities.

The Central Authority of the State in which the vehicle is registered or documented shall inform the Central Authority of the country in which the vehicle was impounded of the fact of the vehicle's registration and, within 10 days after receiving notice of the vehicle's impoundment, shall notify in writing the legitimate owner or legal representative.

2. Such notifications shall include all available data regarding the description of the vehicle, as specified in annex B of this Treaty.

Article VII

1. The Requesting State through its Central Authority, at the request of the owner or legal representative, notified in conformity with the preceding article, shall submit a request for return to the Central Authority of the Requested State within 30 days following the date of such notification.

2. The request for return shall be transmitted with a seal of the Central Authority of the Requesting State and shall make use of the form contained in annex A of this Treaty. The request shall include copies duly certified by the Central Authority, which shall ensure the authenticity and legality of the following documents:

(a) The bill of sale of the vehicle or, in its absence, certification from the competent authority specifying the person or entity to which the vehicle was issued;

(b) The certificate of registration of the vehicle, if the vehicle is subject to registration, or, in its absence, certification from the competent authority specifying the person or entity to which the vehicle was issued;

(c) The bill of sale, receipt or other document indicating ownership of the vehicle, if the vehicle does not have a certificate of ownership and is not registered;

(d) The document of transfer or assignment of rights, if the owner of the vehicle, at the time of the theft, appropriation or illicit retention, has transferred ownership to a third person subsequent to such illicit acts;

(e) A copy of the certification or record of the claim submitted by the owner or his legal representative stating that the vehicle was stolen, appropriated or illicitly retained, which shall be sent by the competent authority of the Requesting State.

If the claim is submitted after the vehicle has been impounded or has been in the possession of the Requested State, the person requesting the return of the vehicle shall provide the details of any unavoidable accident or force majeure causing delay in his submission of a claim;

(f) The document that the owner or his legal representative presents to a competent official, authorizing said official to recover the vehicle.

3. All the documents referred to in this article shall be sent through the Central Authority of each Party and there shall be no requirement for any further certification or authentication for the purposes of the administrative procedure established in this Treaty; copies of the documents may be sent by fax, the original duly authenticated documents being sent later when necessary.

To this end, the Parties shall register the signatures and seals of the officials designated by the central authorities. They shall also establish a unified Central American format for the information specified in annexes A and B of this Treaty.

Article VIII

1. If one Party learns of the impoundment of the vehicle through any means other than the procedure established in article VI of this Treaty, it may:

(a) Obtain from the respective Central Authority official confirmation of the impoundment as well as the notification specified in article VI, in which case the Central Authority shall provide such notification or give the reasons for its failure to do so; and

(b) When appropriate, submit a request for the return of the vehicle in accordance with the provisions of article VII.

Article IX

1. The Central Authority of the Requested State shall, within 15 days following receipt of the request for the return of the vehicle, decide whether or not the request is in keeping with the requirements set forth in this Treaty and shall inform the Central Authority of the Requesting State of its decision.

2. If the return is appropriate, the Central Authority of the Requesting State shall notify, within five days, the owner or his legal representative, that the Central Authority of the Requested State has placed the vehicle at his disposal for a period of 60 days during which time the vehicle may be recovered.

3. If the Central Authority of the Requested State determines that the request is not appropriate, it shall communicate its reasons in writing to the Central Authority of the Requesting State.

If the reasons for denying the request can be removed, the request may be resubmitted before the expiry of the 30-day period specified in article VII, paragraph 1, which period shall be considered to be suspended beginning on the date of submission of the initial request for return.

Article X

1. If a vehicle whose return is being requested is retained for the purpose of a judicial investigation or action, it shall, in accordance with this Treaty, be returned when it is no longer needed for such investigation or action. The Requested State shall, however, take the necessary measures to ensure that the judicial investigation or action makes use of photographic or other evidence in order that the vehicle may be returned as soon as possible to its owner or legal representative.

2. If the ownership or custody of the vehicle whose return has been requested is the subject of litigation in the Requested State, it shall, in accordance with this Treaty, be returned when the case has been settled. However, no Party shall be obliged under this Treaty to comply with the request for return if, as a result of litigation, it is decided that the vehicle should be handed over to a third person.

3. In accordance with the provisions of this Treaty, the States Parties shall not be obliged to return a vehicle if it is subject to confiscation under their domestic law owing to the fact that it was used in their territory in the commission of a crime with the owner's consent or complicity, or represents profits derived from the commission of said crime. The Requested State shall notify the Central Authority of the Requesting State that the owner in question may contest the confiscation in accordance with the relevant legislation.

4. If the requested return of a stolen, appropriated or illicitly retained vehicle is deferred in accordance with paragraphs 1 and 2 of this article, the Central Authority of the Requested State shall communicate this in writing to the Central Authority of the Requesting State within 15 days following receipt of the request for the return of the vehicle.

5. If dispute arises over the legality of the registration, nationalization or customs clearance of a vehicle, the Requested State shall notify the Central Authority of the Requesting State that the owner in question may contest the foregoing in accordance with the legislation of the Requested State.

Article XI

1. The impounded vehicle shall not be operated or used in any other way, except in conformity with the law and provided that one of the following circumstances is present:

(a) No request for the return of the vehicle is submitted within the 30 days following the notification specified in article VII, paragraph 1, of this Treaty;

(b) The person specified in the request for return as the owner or his legal representative does not appear in order to claim the vehicle within 60 days after the vehicle has been placed at his disposal in accordance with the provisions of article IX, paragraph 2, of this Treaty.

Article XII

1. The owner or his legal representative shall not pay any form of duty, tax or fine as a condition for the return of the vehicle.

2. The expenses incurred, duly substantiated, for the return of the vehicle shall be borne by the person requesting its return. The Parties shall ensure that such expenses are kept to a reasonable minimum.

3. Provided that the Requested State complies with the provisions of this Treaty regarding the recovery, safekeeping and custody of the vehicles dealt with in this Treaty, no person shall have the right to claim compensation from the Requested State for any damage that occurred while the vehicle was in the custody of the Requested State.

Article XIII

Any disagreement regarding the interpretation or application of this Treaty shall be resolved through consultations between the Central Authorities of the Parties; if they are not resolved, recourse shall be had to the diplomatic channel.

Article XIV

1. This Treaty is subject to ratification.

2. This Treaty shall be open to other American States, as the case may be, for accession or participation.

3. The General Secretariat of the Central American Integration System shall be the depositary of the instruments referred to in the preceding paragraphs.

Article XV

1. This Treaty is concluded for an indefinite period and shall enter into force on the date of deposit of the second instrument of ratification.

2. In order for each Party to ratify this Treaty, or to accede to or participate in it, after the second instrument of ratification has been deposited, the Treaty shall enter into force on the date on which such State has deposited its instrument of ratification, accession or participation.

Article XVI

This Treaty may be amended with the agreement of the Parties.

Article XVII

1. Any Party may denounce this Treaty by providing written notification to the General Secretariat of the Central American Integration System.

2. The denunciation shall have effect six months after the date of its notification. The denunciation shall not affect any requests that are being processed.

Article XVIII

This Treaty shall not be subject to reservations.

Article XIX

The original of this Treaty shall be deposited with the General Secretariat of the Central American Integration System.

Article XX

Upon this Treaty's entry into force, the depositary shall send a certified copy of the Treaty to the Secretary-General of the United Nations in compliance

with Article 102, paragraph 2, of the Charter of the United Nations, and to the General Secretariat of the Organization of American States.

In witness whereof, this Treaty has been signed at Copán Ruinas, Department of Copán, Republic of Honduras, on 14 December 1995.

(Signed) José María FIGUERES
President of Costa Rica

(Signed) Armando CALDERÓN SOL
President of El Salvador

(Signed) Ramiro de LEÓN CARPIO
President of Guatemala

(Signed) Carlos Roberto REINA
President of Honduras

(Signed) Julia MENA
Vice-President of Nicaragua

(Signed) Tomás G. ALTAMIRANO DUQUE
First Vice-President of Panama

ANNEX A

Request for the return of a stolen, appropriated or illicitly retained vehicle

The (Central Authority) of (name of country) respectfully requests that [(the competent authority of (name of country)] return the vehicle described below to [(the owner (his representative))] in accordance with the Central American Treaty on the Recovery and Return of Stolen, Appropriated or Illicitly Retained Vehicles.

1. Vehicle identification number (VIN), for vehicles of North American origin.

(a) Vehicle identification number (VIN):

(b) Make:

(c) Year:

(d) Registration:

(e) Colour:

(f) Model:

(g) Type:

(h) Class:

2. Vehicles of Japanese, European or other unspecified origin require the following vehicle identification:

(a) Make:

(b) Model year:

(c) Type:

(d) Colour:

(e) Line or style:

(f) Motor number:

(g) Registration:

(h) Chassis:

(i) Class:

(j) Jurisdiction of the place of issue (if known):

The (Central Authority) of (name of country) certifies that it has examined the following documents submitted by (identity of the person submitting the documents) as proof of the fact that he or she is the owner, or that the person he or she represents is the owner, of the vehicle, and has found these to be duly certified in accordance with the laws of (appropriate jurisdiction).

(a) (description of document);

(b) (description of document);

(c) (description of document);

(d) (description of document).

Sent on:

Place and date:

ANNEX B

Information describing the vehicles, to be included in a notification made in accordance with article VI

1. Vehicle identification number (VIN), for vehicles of North American origin.

(a) Vehicle identification number (VIN):

(b) Make:

(c) Year:

(d) Registration:

(e) Colour:

(f) Model:

(g) Type:

(h) Class:

2. Vehicles of Japanese, European or other unspecified origin require the following vehicle identification:

(a) Make:

(b) Model year:

(c) Type:

(d) Colour:

(e) Line or style:

(f) Motor number:

(g) Registration:

(h) Chassis:

(i) Class:

(j) Jurisdiction of the place of issue (if known):

3. Vehicle's number-plate and jurisdiction of the place of issue (if known).

4. City (or other jurisdiction, or tag with numbers and name of city) or other jurisdiction (if known).

5. Description of the condition of the vehicle, including mobility, if known, and the apparent necessary repairs.

6. Current location.

7. Indicate the authority that has physical custody of the vehicle and a point of contact, the name, address and telephone number of the official submitting the information concerning the vehicle's recovery.

8. Any information indicating that the vehicle was used in connection with the commission of a crime.

9. Indicate whether or not it is possible that the vehicle was subject to confiscation or any other judicial action in accordance with the law of the country making the notification.

Annex IV

AGREEMENT

We, the Presidents of the Republics of Costa Rica, El Salvador, Guatemala and Honduras, the Vice-President of Nicaragua and the First Vice-President of Panama, gathered together in the city of San Pedro Sula, Honduras, on the occasion of the Seventeenth Meeting of the Presidents of Central America,

Whereas:

(a) At previous meetings of the Presidents of Central America, we have analysed various aspects of the electrical interconnection of the countries of Central America,

(b) The project to promote an electrical interconnection system for the countries of Central America (SIEPAC) is essential in order to help solve problems relating to the supply of electricity and promote favourable conditions in the region in order to stimulate its economic development in a sustainable manner,

(c) The Governments of the region as well as various bilateral and multilateral financing agencies are cooperating actively for this purpose,

(d) A major effort is required in order to coordinate the final studies and negotiations for the project,

(e) The relevant measures should be expedited in order to sign, as soon as possible, the legal instruments for creating conditions for a regional electrical-power market,

(f) The creation of a regional electrical-power market, with the gradual development of relations between the countries, is of vital importance in order to ensure an appropriate degree of integration in this field,

(g) The implementation of regional electrical-power generation projects is a goal that can be achieved in the short term, particularly if such projects are carried out with the cooperation of groups of two or three countries simultaneously,

(h) Immediate steps can be taken to improve existing electrical interconnections,

(i) It is important to coordinate regional efforts that are being carried out to modernize the region's electrical-power sectors,

Agree to:

(a) Encourage strongly the steps to be taken in order to sign, at the latest by June 1996, a treaty on regional electrical interconnection among the

six Central American countries and promote its adoption by the legislative assemblies;

(b) Involve ministerial-level representatives in the treaty negotiation process so that, together with State electrical enterprises, they may establish a Coordination Council, made up of two representatives of each country (one from the Government and the other from the electrical enterprise), and through it agree, within three months, on the initial text of a document setting forth the best options for carrying out the project; these representatives shall be appointed by the Governments within two weeks following the signing of this Agreement;

(c) Support the functioning of an ad hoc body which shall be set up as the Executive Secretariat of the project for the purpose of coordinating the project's development process and promoting the technical cooperation that external organizations may provide to the project; the Executive Secretariat shall be headed by a director and shall have the support of the Coordination Council;

(d) Instruct the representatives of the corresponding Governments and electrical enterprises to ensure that, in providing support to the project's Executive Secretariat, the ownership scheme of the grid-proprietor enterprise is defined;

(e) Request the Central American Electrification Council to issue the necessary instructions to draw up a plan for identifying regional electrical-power generation projects involving two or three countries for the purpose of developing them concurrently with the electrical interconnection effort; this plan shall be submitted within a period of three months;

(f) Request the ministerial representatives to draw up, within a period of four months, the necessary national proposals to eliminate current obstacles to the electrical interconnection of the countries.

(Signed) José María FIGUERES
President of Costa Rica

(Signed) Armando CALDERÓN SOL
President of El Salvador

(Signed) Ramiro de LEÓN CARPIO
President of Guatemala

(Signed) Carlos Roberto REINA
President of Honduras

(Signed) Julia MENA RIVERA
Vice-President of Nicaragua

(Signed) Tomás Gabriel ALTAMIRANO DUQUE
First Vice-President of Panama